

**MINUTES OF THE MEETING**  
**of the**  
**NEBRASKA BOARD OF NURSING**  
**February 8, 2017**

**CALL TO ORDER**

The meeting of the Nebraska Board of Nursing was called to order by Dawn Straub, Board President, at 8:30 a.m., February 8, 2017, at Country Inn and Suites, Lighthouse Room, 5353 N. 27<sup>th</sup> St., Lincoln NE 68521. Copies of the agenda were mailed in advance to the Board members, emailed to interested parties, posted outside the Licensure Unit within the Nebraska State Office Building, and posted on the Department of Health & Human Services website. Straub announced the location of an available copy of the Open Meetings Act within the room.

**ROLL CALL**

The following board members were present to answer roll call:

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| • Janet Andrew, LPN-C, <i>Board Vice-President</i> | • Dawn Straub, RN, <i>Board President</i> |
| • Maxine Guy, LPN                                  | • Rita Thalken, <i>Public Member</i>      |
| • Louise LaFramboise, RN                           | • Karen Weidner, RN, <i>Secretary</i>     |
| • Patricia Motl, RN                                | • Katherine Werth, APRN                   |
| • Kristin Ruiz, RN                                 |   |

The following Board members were absent: Anne Dye, RN, and Kristene Perrin, RN.

The following staff members from the Department and the Attorney's General Office were also present during all or part of the meeting:

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| • Ann Oertwich, RN, <i>Executive Director</i>                  | • Lisa Anderson, <i>Assistant Attorney General</i> |
| • Sherri Joyner, <i>Health Licensing Coordinator</i>           | • Susan Aerni, <i>Investigator</i>                 |
| • Jacci Reznicek, RN, <i>Nursing Education Consultant</i>      | • Jessica Bowman, <i>Investigator</i>              |
| • Kathy Hoebelheinrich, RN, <i>Nursing Practice Consultant</i> | • Sharon Fitts, <i>Investigator</i>                |
| • Anna Harrison, <i>Compliance Monitor</i>                     | • Pat Lemke, <i>Investigator</i>                   |
|  | • Sherri Lovelace, <i>Investigator</i>             |
|  | • Mendy Mahar-Clark, <i>Investigator</i>           |

A quorum was present, and the meeting convened.

**ADOPTION OF THE AGENDA**

**MOTION:** Guy made the motion, seconded by Andrew, to adopt the revised agenda for the February 8, 2017, Board of Nursing meeting.

**Voting Yes:** Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** Dey and Perrin. **Motion carried.**

These minutes were approved by the  
Board of Nursing on March 9, 2017.

## APPROVAL OF THE MINUTES

**MOTION:** Ruiz made the motion, seconded by Andrew, to approve the minutes of the January 11, 2017, Practice Committee Meeting, the January 11, 2017, Education Committee Meeting, and the January 12, 2017, Board of Nursing meeting.

**Voting Yes:** Andrew, Guy, Motl, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** LaFramboise. **Absent:** Dey and Perrin. **Motion carried.**

## DESIGNATION OF BOARD CONSULTANTS

Lemke explained that Investigations staff occasionally ask for feedback from board members to help determine whether a complaint warrants opening an investigation. Boards usually designate one or two members to serve in this role. Hoebelheinrich, noting the diverse talents of Board of Nursing members and staff, mentioned that the best person to refer a complaint might vary depending on the particulars of the case. Lemke said that the designated board consultant can recommend that the Investigator refer a particular complaint to another member for review. Anderson noted that board members should not communicate with each other about a complaint or investigation case outside of closed session during board meetings. Motl said she was willing to serve as a designated board consultant. Weidner volunteered to serve as a back-up consultant.

## CLOSED SESSION

**MOTION:** Guy made the motion, seconded by Motl, for the Board to go into closed session for the purpose of reviewing and discussing investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals.

**Voting Yes:** Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** Dey and Perrin. **Motion carried.**

8:45 a.m. Meeting went into closed session.  
 8:55 a.m. Straub left the meeting.  
 8:57 a.m. Straub returned to the meeting.  
 9:55 a.m. Weidner left the meeting.  
 10:02 a.m. Weidner returned to the meeting.  
 10:05 a.m. Motl left the meeting.  
 10:07 a.m. Motl returned to the meeting. Meeting went into recess.  
 10:23 a.m. Meeting reconvened.  
 10:25 a.m. Meeting returned to Open Session.

**MOTION:** Andrew made the motion, seconded by Guy, for the Board to go into closed session for the purpose of reviewing and discussing investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals.

**Voting Yes:** Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** Dey and Perrin. **Motion carried.**

10:27 a.m. Meeting went into closed session.  
 10:30 a.m. Meeting returned to open session.

## **LICENSURE RECOMMENDATIONS**

### **COURTNEY L. VIRGL – RN APPLICATION**

**MOTION:** Andrew made the motion, seconded by Guy, to recommend issuing Courtney Virgl an unrestricted RN license.

**Voting Yes:** Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** Dey and Perrin. **Motion carried.**

## **NCLEX REPORTS**

Members reviewed NCLEX pass rates for students from Nebraska nursing programs who tested during the fourth quarter of 2016. Weidner noted that the Education Committee monitors program pass rates and becomes concerned when a school does not meet national benchmarks two or three years in a row. Reznicek reported that the Education Committee's March meeting will include time to discuss potential changes to the regulations governing nursing programs, including changes that might give the Board more options for addressing programs with low NCLEX pass rates.

Members also reviewed annual NCLEX pass rates for Nebraska nursing programs during the previous five years. Weidner and other members supported posting the five-year pass rates on the Department's website.

## **EDUCATION COMMITTEE**

**MOTION:** The Education Committee made the motion that the Board of Nursing approve Mid-Plains Community College's ADN Program course NURS 2100 – Nursing Concepts V: Care of Patients Across the Lifespan with Complicated Conditions.

**Voting Yes:** Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Thalken, and Weidner. **Voting No:** None. **Abstain:** Werth. **Absent:** Dey and Perrin. **Motion carried.**

**MOTION:** The Education Committee made the motion that the Board of Nursing approve Western Nebraska Community College's ADN Program course ADN 2151 – Adult Health and Illness IV.

**Voting Yes:** Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Thalken, and Weidner. **Voting No:** None. **Abstain:** Werth. **Absent:** Dey and Perrin. **Motion carried.**

## **PRACTICE COMMITTEE**

**MOTION:** The Practice Committee made the motion that the Board of Nursing retire the RNs and Airway Management Advisory Opinion in favor of the Decision-Making Model.

**Voting Yes:** Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** Dey and Perrin. **Motion carried.**

## **NEW BOARD MEMBER ORIENTATION**

Joyner reviewed slides that had been prepared by Licensure Unit staff for orientation of new board members. Topics covered included: the organizational structure of the Department; the role and responsibilities of board members; statutes and regulations relevant to the Board of Nursing, an overview

of the discipline process; requirements of the Open Meetings Law; conflict of interest; and administrative penalties.

## **COMMUNICATION**

### **Staff Updates**

Oertwich reported that interviews for the vacant Health Licensing Specialist position will begin soon.

### **NCSBN Midyear Conference**

Straub and Weidner are scheduled to represent the Board of Nursing at the National Council of State Boards of Nursing (NCSBN) Midyear Conference in March. Oertwich and Hoebelheinrich will also attend the conference as representatives of the APRN Board.

### **Nursing News**

Oertwich reported that the next edition of the Board's newsletter will include an article from a Nebraska nurse who worked in Zambia, including her experiences with obtaining a nursing license in Zambia. Staff became aware of her experiences through the portfolio she submitted when fulfilling the continuing competency audit requirements. Another article will highlight the work of Sexual Assault Nurse Examiner and Sexual Assault Response Team (SANE/SART) programs.

## **LPN/LPN-C CREDENTIALING REVIEW UPDATE**

Weidner reported that the Credentialing Review Technical Review Committee, which met on January 23<sup>rd</sup> prior to the Board of Health meeting, approved the LPN/LPN-C application with a 4-3 vote. The application proposes the elimination of the LPN-C credential and placing intravenous therapy within the LPN scope of practice. The Board of Health voted 10-2 in favor of the application.

## **REVIEW OF 2017 LEGISLATION**

LB 283 – Weidner reported that she testified on behalf of the Board at the LB 283 hearing. LB 283 would allow LPNs to provide intravenous therapy if they meet certain requirements. Also testifying in support of the bill were Crystal Higgins, Chair of Southeast College's Practical Nursing Program, Kim Robak, and Heath Boddy from the Nebraska Health Care Association on behalf of the Licensed Practical Nurse Association of Nebraska. Weidner said no opposing testimony was presented.

Shannon Anderson was in attendance at the meeting as a member of the public. She noted that the Fiscal Note for the bill only addresses the loss of revenue that would result from elimination of the LPN-C credential, rather than also taking into account the cost savings that would result. Shannon Anderson also noted that every senator can designate one bill each session as his or her priority bill, and that each committee can designate two priority bills.

**MOTION:** LaFramboise made the motion, seconded by Andrew, to ask Karen Weidner to write a letter on behalf of the Board of Nursing to Senator Riepe and all member of the Health and Human Services Committee, the LPN Association of Nebraska, and Shannon Anderson thanking them for their work and support on LB 283.

**Voting Yes:** Andrew, Guy, LaFramboise, Motl, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** Dey and Perrin. **Motion carried.**

LB 342 – Oertwich reported that a hearing for LB 342 is scheduled for February 15<sup>th</sup>. LB 342 would enact legislation to adopt the Enhanced Nurse Licensure Compact.

LB 425 – Oertwich reported that the hearing on LB 425 went well. She described LB 425 as a “clean-up” bill for the Nurse Practitioner Practice Act.

LB 360 – Oertwich reported that LB 360, which would create a registry for surgical technologists, includes a clause on physician delegation. Oertwich said that she and Hoebelheinrich will meet with Department legal staff, Teresa Hampton, to discuss this issue.

LB 439 – This bill proposes changes to requirements for assisted-living facilities, including the provision of complex nursing interventions on a part-time or intermittent basis. Oertwich said she plans to look at LB 439 more closely.

#### **CENTER FOR NURSING & FOUNDATION UPDATE**

Oertwich reported that the Nebraska Center for Nursing is looking into the possibility of including the Nebraska Action Coalition (NAC) as a sub-organization within the Center for Nursing Foundation. Oertwich reviewed an email she had received from a lawyer with the firm that helped establish the Center for Nursing Foundation. Oertwich stated that according to the information from the lawyer, once the relationship between the Foundation and NAC is established, it cannot be undone. Straub, who is a member of the NAC Executive Committee, said that the Center for Nursing and NAC have many of the same goals. She noted that approximately half of state Action Coalitions are part of their state’s Center for Nursing. She also noted that NAC receives in-kind support from its current sponsor, the Visiting Nurse Association.

#### **CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 2:15 p.m.

Respectfully submitted,



Sherri Joyner  
Health Licensing Coordinator